

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GEORGE E. TUCKER,

Plaintiff,

-against-

6:01-CV-1455
(LEK/DEP)

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on November 2, 2005, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(d) of the Northern District of New York. Report-Rec. (Dkt. No. 17).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," Fed. R. Civ. P. 72(b), in compliance with L.R. 72.1. In the interval of time since the Magistrate Judge filed the subject Report-Recommendation, which has been greater than ten days, no objections to it have been raised. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.¹

¹ The Court notes one error correction - the case of Diaz v. Shalala is incorrectly cited as 50 F.3d 307 (2d Cir. 1995). Report-Rec. (Dkt. No. 17) at 38. The correct citation for Diaz is 59 F.3d 307 (2d Cir. 1995).

Accordingly, it is hereby

ORDERED, that the Report-Recommendation is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendant's motion for judgment on the pleadings is **GRANTED**; and it is further

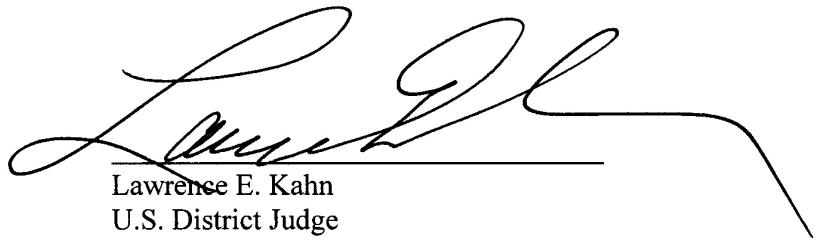
ORDERED, that the Commissioner's finding of medical improvement and no disability is **AFFIRMED**; and it is further

ORDERED, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED IN ITS ENTIRETY**; and it is further

ORDERED, that the Clerk serve a copy of this order on all parties.

IT IS SO ORDERED.

DATED: February 16, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge